

## **REMARKS**

In the Official Action mailed on **February 10, 2005** the Examiner reviewed claims 1-24. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. §109(e) or 120. Claims 2, 3, 4, 10, 11, 12, 18, 19, and 20 were objected to because of minor informalities. Claims 1-5, 9-13, and 17-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rowland (USPN 6, 405,318, hereinafter “Rowland”) in view of Ruvolo (USPN 5,928,363, hereinafter “Ruvolo”). Claims 6, 14, and 22 were rejected under 35 U.S.C. §103 (a) as being unpatentable over Rowland in view of Limisco (USPN 6,662,228, hereinafter “Limisco”). Claims 7-8, 15-16, and 23-24 were rejected under 35 U.S.C. §103 (a) as being unpatentable over Rowland in view of See et al (USPN 6,339,830, hereinafter “See”).

### **Priority**

Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. §109(e) or 120.

Applicant respectfully directs Examiner’s attention to Application serial number 60/316,808, pages 5-6, section titled “IP AND GLOBAL LOCKOUT TO PREVENT BRUTE FORCE(REPEATED) ATTACK ON PASSWORD BASED AUTHENTICATION,” wherein the present invention is described with sufficient clarity to comply with the requirements of 35 U.S.C. §112, second paragraph. Applicant requests that the filing date be established as August 31, 2001, the date of Application serial number 60/316,808.

### **Objections to the claims**

Claims 2, 3, 4, 10, 11, 12, 18, 19, and 20 were objected to because of minor informalities.

Applicant has amended claims 3, 4, 11, 12, 19, and 20 to correct the informalities noted by the Examiner. Claims 2, 10, and 18 have been canceled as described below.

**Rejections under 35 U.S.C. §103(a)**

Dependent claims 2, 10, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rowland in view of Ruvolo. Applicant respectfully points out that the combined system of Rowland and Ruvolo teaches blocking network access from **a single offending system** (see Rowland, col. 7, lines 37-40 and col. 8, line 1). Additionally, the combined system of Rowland and Ruvolo teaches allowing a threshold number of attempts **to authenticate a single application to the server** (see Ruvolo, col. 5, lines 1-14).

In contrast, the present invention imposes a **global lockout** to lock out all clients after a threshold number of Internet Protocol (IP) **addresses have been locked out** (see paragraph [0034] of the instant application). This is beneficial because it allows continued access from other IP addresses if less than the threshold number of IP addresses have been locked out, while imposing a global lockout of all IP addresses in the event of a concerted attack from several IP addresses which exceeds the threshold number. Note that the present invention can be used to enhance the combined system of Rowland and Ruvolo.

There is nothing within Rowland or Ruvolo, either separately or in concert, which suggests imposing a global lockout after a threshold number of IP addresses have been locked out. Accordingly, Applicant has amended independent claims 1, 9, and 17 to include limitations from dependent claims 2, 10, and 18, respectively. These amendments find support in paragraph [0034] of the instant application. Dependent claims 2, 10, and 18 have been canceled without prejudice. Dependent claims 3-4, 11-12, and 19-20 have been amended to correct antecedent basis.

Hence, Applicant respectfully submits that independent claims 1, 9, and 17 as presently amended are in condition for allowance. Applicant also submits that claims 3-8, which depend upon claim 1, claims 11-16, which depend upon claim 9, and claims 19-24, which depend upon claim 17, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

## CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

By

  
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